

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Sheakeina McCloud,)	CASE NO.: 9:22-cv-3231-BHH
)	
Plaintiff,)	
)	
vs.)	
)	DEFENDANT PUBLIX SUPER
Publix Supermarkets, Inc., Publix Asset)	MARKETS, INC., STORE 0845'S NOTICE
Management Company, Inc.,)	OF REMOVAL
)	
Defendants.)	
)	
_____)	

Defendant Publix Super Markets, Inc., Store 0845, incorrectly identified as “Publix Supermarkets, Inc., Publix Asset Management Company, Inc.,” in this civil action filed by Sheakeina McCloud, Civil Action No. 2022-CP-07-01559, in the Court of Common Pleas for Beaufort County, State of South Carolina (the “State Court Action”), files this Notice of Removal to the United States District Court for the District of South Carolina, Beaufort Division, by and through its undersigned attorneys, shows the Court:

1.

On August 19, 2022, Plaintiff Sheakeina McCloud (“Plaintiff”) commenced this pending civil action in the Court of Common Pleas for Beaufort County, South Carolina, as Civil Action No. 2022-CP-07-01559.

2.

Defendant was served with a copy of the Summons and Complaint by Certified Mail through its Registered Agent on August 26, 2022.

3.

In lieu of filing an Answer to Plaintiff's Complaint in State Court, Defendant files the Notice of Removal and will file an Answer in this Court pursuant to the Federal Rules of Civil Procedure.

4.

In this action, Plaintiff seeks recovery for personal injury through negligence, gross negligence, and premises liability for an incident which occurred on July 3, 2020 when she allegedly slipped on a slippery substance as she was walking on Defendant's premises.

5.

This action is one over which this United States District Court has diversity jurisdiction, pursuant to 28 U.S.C. § 1332a.

6.

Plaintiff is a resident of South Carolina per her Complaint.

7.

Publix Super Markets, Inc., Store 0845, incorrectly identified as "Publix Supermarkets, Inc., Publix Asset Management Company, Inc." is a foreign limited liability company organized under the laws of the State of Florida with its principal place of business also located in Florida.

8.

Although Defendant denies liability to Plaintiff, the Complaint contends that Plaintiff's economic and non-economic damages include an injury to Plaintiff's foot requiring multiple treatments, surgery, and physical therapy, as well as pain and suffering, mental and emotional suffering, loss of enjoyment of life, lost wages, and medical expenses. Plaintiff submitted approximately \$25,377.06 in medical expenses and \$4,054.44 in lost wages to support her pre-

suit demand of \$200,000. Therefore, Plaintiff's allegations demonstrate, by a preponderance of the evidence, that the amount in controversy exceeds \$75,000.

9.

Therefore, the requirements to trigger the diversity jurisdiction of this Court have been met and removal is appropriate pursuant to 28 U.S.C. §§ 1332a and 1446(c)(2)(B).

10.

Contemporaneously with the filing of this Notice of Removal, Defendant will give notice to Plaintiff and will also file a copy of this Notice of Removal with the Court of Common Pleas of Beaufort County, South Carolina. A copy of the Notice to Plaintiff of Removal of State Court Action and the Notice to State Court of Filing Notice of Removal are attached as Exhibits A-1 and A-2, respectively.

11.

Attached as Exhibit B to this Notice are true and accurate copies of all process, orders, or pleadings filed in the State Court Action.

12.

By filing this Notice of Removal, Defendant does not waive any defense that may be available to it.

WHEREFORE, Defendant removes this State Court Action to the United States District Court for the District of South Carolina, Beaufort Division.

/SIGNATURE PAGE TO FOLLOW/

This 21st day of September, 2022.

Respectfully submitted,

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